

**REMARKS**

Claims 1 through 26 are pending in this application. The Applicant appreciates the Examiner's indication of allowance of claims 16 through 26 and the allowability concerning claims 3, 4, 7, 10 and 12-14.

**I. Specification**

The Examiner stated that the disclosure is objected to because of the following informalities: on Page 13, line 11, a reference to "dummy bridges 83'" is made. However, the Examiner stated that in Fig. 9, such numeral represents real bridges on the dummy bridge region.

Paragraph 55 (page 13, line 11) has been corrected accordingly.

Entry of the foregoing amendment is proper under 37 C.F.R. §1.116(b) because the amendments are only complying with the requirements expressly set forth by the examiner in the previous Office action.

**II. ANTEDATING OF INOUE ET AL. (US 2001/0020817)**

Inoue et al (US 2001/0020817) has been antedated by the present application by filing a certified English translation (37CFR1.55) of the Korean priority document dated July 12, 2000 which predates the U.S. filing date of Inoue et al. March 7, 2001 according to 35USC§119. Therefore, respectfully, all rejected claims should be allowable.

### **III. REJECTION OF CLAIMS (35 U.S.C. § 103)**

Claims 1, 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 5,523,647) in view of Inoue et al. (US 2001/0020817) and Claims 5, 6, 8, 9 and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kawamura-Inoue as applied to claim 1 above, and further in view of Ohmae (US 6,388,370). The Applicant respectfully traverses.

While the applicant does not admit that the cited reference (Inoue et al. (US 2001/0020817)) is entitled to actual prior art status relative to the applicant's invention, even assuming, *arguendo*, that it is, the claimed invention is patentable thereover for reasons given below.

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness under 35 U.S.C. §103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As seen in Kawamura et al., decreasing of the number of real bridges is being taught away. In paper number 6, the Examiner argues that carrying out of the Kawamura invention with a particular bridge interval is not teaching away from the combination with Inoue because the Examiner notes that Kawamura is “silent” regarding a limitation.

However, Kawamura is not silent on the issue. In col. 5, lines 28-30 of Kawamura et al., it states that in figures 2 through 4, the bridges 8f are at intervals of about 1mm and their vertical width is about 0.08. The intervals are therefore constant. As seen in figure 2, from the middle portion, there are three real bridges and then to the left and right of that column , there are four real bridges and then there are three again. The up and down pattern is a result of the constant intervals. As the Examiner states in paper number 6, the teachings from the drawings of a reference must be evaluated on what they reasonably disclose or suggest to one of ordinary skill in the art. MPEP §2125 Therefore, as mentioned in claim 1 of the present invention, Kawamura does not have *the number of real bridges decreasing in a direction from a center portion of said tension mask to the peripheral portion of the tension mask*, but is teaching away with a repeated pattern that increases and decreases from a center portion to the peripheral portion. Kawamura is clearly not silent on the issue and therefore should not be combined with the other references.

#### **IV. ALLOWABLE SUBJECT MATTER**

The examiner stated that claims 3, 4, 7, 10 and 12-14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant appreciates the examiner's indication of allowability pertaining to claim 3, 4, 7, 10 and 12-14. In accordance with 37 C.F.R. § 1.111(b), the applicant respectfully requests that the examiner temporarily hold objections and requirements as to form in abeyance until the remarks and amendments in this Amendment are considered by the examiner.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

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